

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

TO: All Holders of Administrative Directives

FROM: Leroy J. Harvey, Director of Personnel

COPIES TO: File

SUBJECT: Change to Administrative Directive 4.26

Date January 17, 1985

Step 2 of the grievance procedure as outlined on page 3 of Directive 4.26 is amended at follows:

Step 2

If the employee is not satisfied with the supervisor's written decision, the employee may indicate his disagreement on the bottom of the supervisor's response form and submit it to the division head within three working days. The division head will INTERVIEW THE AGGRIEVED EMPLOYEE IN PERSON AND TAKE SUCH OTHER ACTION AS NECESSARY TO ASCERTAIN THE FACTS AND CIRCUMSTANCES. THE DIVISION HEAD WILL render a written decision within five working days. Upon mutual agreement of the aggrieved employee and the division head, an extension of not more than five working days can be made.

Please file this memo with A.D. 4.26. The entire directive will not be reprinted at this time.

EFFECTIVE DATE: September 21, 1981

REVISION DATES: _____

SUBJECT: GRIEVANCE PROCEDURES1. Purpose:

- The purpose of this directive is to explain the procedures followed when a City worker wants to register a complaint or file a grievance.

2. Responsibility:

- It shall be the responsibility of the Personnel Department to inform each person hired to work for the City of San Antonio of the availability of a grievance and appeal process.
- It shall be the responsibility of every supervisor, division head and department head to respond to grievances within specified time limits so that grievances are resolved at the lowest possible level. Furthermore, supervisors, division heads and department heads shall ensure that grievants are free from harassment or any form of reprisal.
- It shall be the responsibility of the department heads to insure compliance with the grievance procedure. At each phase of the appeal process supervisory personnel shall inform the grievant of the next step in the grievance process and the time limits, should the decision not be satisfactory to the employee.

3. Definitions:

- Complaint means a city worker's dissatisfaction with some condition(s) of the job and/or relationship with others on the job, which are outside her/his control.
- A job related grievance is associated with an incident, a disciplinary action, other than dismissal, suspension or demotion, or some occurrence within the authority of the immediate supervisor to alter. A complaint does not become a grievance unless and until the individual complaining has (1) discussed the causes of the complaint with the immediate supervisor, (2) the immediate supervisor has rendered a decision which is unsatisfactory to the individual or has failed to render a decision on time. At this point in the process the complaint becomes a grievance.

4. General Guidelines:

- To avoid duplication, the following issues will not be subject to the grievance procedure:
 - (1) Disciplinary demotions, suspensions, or terminations which may be appealed to the Municipal Civil Service Commission.
 - (2) Complaints alleging discrimination because of race, color, national origin, sex, religion, age (40-70) handicap or political belief or affiliation, which may be appealed to the Department of Equal Employment Opportunity.

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- (3) Complaints involving the employee's performance appraisal, which may be appealed to the reviewing officer and department head, under the procedure contained in the Employee Appraisal Manual.
- Working days as used in this directive shall mean the regularly scheduled work days of the individual (grievant, supervisor, division head, department head) required to take action at any step of the procedure.
 - If there is a question as to whether or not a particular issue is a grievance which may be appealed through this procedure, the Department Head will send a memorandum to the Personnel Department, Employee Relations Division. The Employee Relations Division will render a written determination on the grievability of the issue. If the aggrieved employee and the Department Head both concur with this determination, the grievance will be continued or not, consistent with Personnel's recommendations.
- If either party disagrees, the matter will be forwarded to the City Manager for a decision. The City Manager's decision is final.
- Grievances will not be accepted at any step unless the employee presents his grievance within the time limits specified. Any employee who does not submit his grievance to the appropriate step in a timely manner will be deemed satisfied with the action at the previous step and will have no further rights to grieve the issue.
 - If supervisors, division heads or department heads do not respond to a grievance within specified time limits, this may be treated by the employee as an unsatisfactory response, and the employee may proceed to the next step within three working days after the time limit for response expires.

5. Procedures:

Step 1 (informal)

Any employee having a complaint, which is within the authority of supervision to adjust, first will discuss the problem with the immediate supervisor. The employee must initiate this discussion within 30 calendar days of the incident leading to the complaint. The supervisor is required to render a decision within three working days. If the supervisor does not make his/her decision on time, the employee may proceed to the formal step, within three working days.

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Step 1 (formal)

If the employee is not satisfied with the supervisor's decision he/she may submit the grievance in writing on a standard grievance form to the immediate supervisor within three working days. One copy of the form will be sent to the Employee Relations Division of the Personnel Department and one to the Department Head. The issues in writing on the form will be the only ones considered at all subsequent steps of the procedure. The supervisor must render a written decision on the proper form within two working days.

Step 2

If the employee is not satisfied with the supervisor's written decision, the employee may indicate his disagreement on the bottom of the supervisor's response form and submit it to the division head within three working days. The division head will render a written decision within five working days. Upon mutual agreement of the aggrieved employee and the division head, an extension of not more than five working days can be made.

Step 3

If the division head's decision fails to satisfy the employee, the employee may indicate his disagreement and submit the grievance file to the department head within three working days. The department head shall interview the aggrieved employee in person and take such other action as necessary to ascertain the facts and circumstances. The department head may affirm, deny or modify the division head's decision. The department head's written decision will be rendered within 10 working days. Upon written mutual agreement between the aggrieved and department head, an extension of not more than five working days can be made.

Step 4

Should the department head's decision fail to satisfy the employee, an appeal may be made, by submitting the grievance file to the City Manager within five working days.

The City Manager will instruct the Employee Relations Division of the Personnel Department to appoint a grievance committee of three members. The committee will be selected from City departments other than the one in which the grievance arose. It will include at least one employee in a job of similar pay, responsibility and working conditions as the aggrieved employee. It will also include at least one supervisor of person in jobs similar to that of the aggrieved employee. Names of the committee members will be submitted to the aggrieved employee and the Department Head.

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Within fifteen working days of its appointment, the committee will investigate the grievance by reviewing all pertinent documentation and interviewing all witnesses presented by the aggrieved employee and the department head. The committee will report its written findings and recommendations to the City Manager.

The City Manager will act on the grievance committee's recommendations and may affirm, deny or modify the recommendations. The decision of the City Manager is final.



CITY OF SAN ANTONIO

EMPLOYEE ACKNOWLEDGMENT FORM FOR

ADMINISTRATIVE DIRECTIVE 4.26 Grievance Procedures

Employee:

I acknowledge that on _____, 20____, I received a copy of Administrative Directive 4.26, Grievance Procedures. I understand if I should have any questions I should contact my Human Resources Generalist.

Employee Name (Print)

Department

Employee Signature

SAP ID #

GRIEVANCE TIME CHART

Step 1--informal

Employee discusses incident with immediate supervisor.	30 calendar days (within date of incident)
Immediate supervisor renders oral decision.	3 working days

Step 1--formal

Supervisor fails to make his/her decision on time or if employee finds decision unsatisfactory, employee submits grievance in writing to immediate supervisor.	3 working days
Supervisor renders written decision.	2 working days

Step 2--formal

Immediate supervisor's decision fails to satisfy employee, employee submits grievance to division head.	3 working days
Division head renders written decision.	5 working days
Extension--Optional	5 working days

Step 3--formal

Division head's decision fails to satisfy employee, employee submits grievance to department head.	3 working days
Department head renders written decision.	10 working days
Extension--Optional	5 working days

Step 4--formal

Department head's decision fails to satisfy employee, an appeal may be made by submitting the grievance file to the City Manager.	3 working days
City Manager instructs Employee Relations Division to appoint a grievance committee.	No time limit
After appointment, grievance committee submits its findings and recommendations to the City Manager.	15 working days
City Manager makes final response.	No time limit

City of San Antonio
Grievance Form
Step I - Supervisor
(See Instructions on Back)

Name of Employee

Name of Supervisor

Job Title

Department

SUPERVISORS RESPONSE TO GRIEVANCE:

EMPLOYEE'S RESPONSE (CHECK ONE)

I am satisfied with this response. Yes _____ No _____

Date

Supervisor's Signature

Date

Employee's Signature

If you are not satisfied, take or send this form to _____ within three working days. The Division Head must respond in writing within five working days. If you don't get a response on time, you may take the pink copies to your Department Head in three working days after the Division Head's time runs out.

I acknowledge receipt of this Grievance

DISTRIBUTION:

WHITE - FILE OR DIVISION HEAD
GREEN - EMPLOYEE RELATIONS
YELLOW - DEPARTMENT HEAD
PINK - EMPLOYEE OR EMPLOYEE REPRESENTATIVE

Date

Division Head Office

City of San Antonio
Grievance Form
Step 2- Division Head
(See Instructions on Back)

Name of Employee

Name of Division Head

Job Title

Department

DIVISION HEAD'S RESPONSE TO GRIEVANCE:

Date

Division Head's Signature

EMPLOYEE'S RESPONSE (CHECK ONE)

I am satisfied with this response. Yes_____ No_____

Date _____

Employee's Signature

If you are not satisfied, take or send this form to _____ within three working days. The Department Head must interview you in person and give you a written response within ten working days. If you don't get a response on time, you may take your pink copies to the City Manager's office within three working days after the Department Head's time runs out.

I acknowledge receipt of this Grievance

DISTRIBUTION:
WHITE - FILE/DEPARTMENT HEAD
GREEN - EMPLOYEE RELATIONS
YELLOW - DEPARTMENT HEAD

Date _____

DEPARTMENT HEAD OFFICE

City of San Antonio
Grievance Form
Step 3 - Department Head
(See Instructions on Back)

Name of Employee

Name of Department Head

Job Title

Department

DEPARTMENT HEAD'S RESPONSE TO GRIEVANCE:

Date

Department Head's Signature

EMPLOYEE'S RESPONSE (CHECK ONE)

I am satisfied with this response. Yes _____ No _____

Date

Employee's Signature

If you are not satisfied, take or send this form to the City Manager's Office within five working days. The City Manager will ask the Employee Relations Division to set up a committee to hear your grievance. You will be notified who is on the committee and when the hearing will be held.

I acknowledge receipt of this Grievance

Date

City Manager's Office

DISTRIBUTION:

WHITE - FILE/CITY MANAGER
GREEN - EMPLOYEE RELATIONS
YELLOW - DEPARTMENT HEAD